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Peterson P.S.

April 25, 2014

Clerk of the Court  
United States Court of Appeals for the Ninth Circuit  
95 Seventh Street  
San Francisco, CA 94103

Re: *Rupanjali Snowden v. Check Into Cash of Washington, Inc.*,  
Cross Appeal Nos. 13-35291 & 13-35322

Dear Clerk:

This law firm represents Check Into Cash of Washington, Inc., the respondent and cross-appellant in the above-identified appeals. We submit this letter in response to Christina L. Henry's letter, dated April 18, 2014, in which she identifies the Ninth Circuit Court of Appeals' recent decision in *America's Servicing Company v. Irene Michelle Schwartz-Tallard*, Appeal No. 12-60052 (9th Cir. April 16, 2014) as supplemental authority here.

In *Schwartz-Tallard*, the issue was "whether a debtor in bankruptcy can recover, as damages, attorneys' fee for defending against a creditor's appeal of a finding that the creditor violated the automatic stay." Slip op. at 4. Unlike the creditor in that case, Check Into Cash has never appealed the bankruptcy court's finding of an automatic stay violation. Snowden filed her motion and prosecuted this appeal entirely in pursuit of her claim for emotional distress and punitive damages.

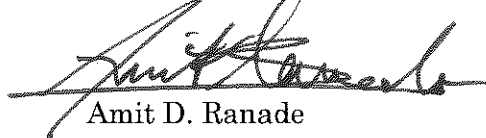
On this point, the *Schwartz-Tallard* decision is in complete accord with the bankruptcy court's decision at issue in this appeal. The Court of Appeals specifically rejected the debtor's invitation in *Schwartz-Tallard* to re-consider *Sternberg v. Johnston*, 595 F.3d 937 (9th Cir. 2010). Slip op. at 8. In *Sternberg*, the Court of Appeals held that Section 362(k) of the Bankruptcy Code permits recovery attorneys' fees incurred to remedy a stay violation, but not fees incurred in pursuit of damages

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caused by the violation. 595 F.3d at 947. That is precisely the line the bankruptcy court drew in this case.

In short, the *Schwartz-Tallard* opinion is supplemental authority in support of the bankruptcy court's decision on attorneys' fees.

Very truly yours,



Amit D. Ranade

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### CERTIFICATE OF SERVICE

I hereby certify that on April 25, 2014, I electronically filed Check Into Cash's letter in response to Appellant Rupanjali Snowden's Letter of Supplemental Authority dated April 18, 2014 using the CM/ECF System which will send notification of such filing to the below counsel of record.

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DATED this 25<sup>th</sup> day of April, 2014.

HILLIS CLARK MARTIN & PETERSON P.S.

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